

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Kevin G. Pinney, et al

ATTY DKT NO. P-208614.9(PCT)(US)

SERIAL NO.: 10/070,484

FILING DATE: 06 MAR 2002

TITLE: INDOLE-CONTAINING AND
COMBRETASTATIN-RELATED ANTI-MITOTIC AND
TUBULIN POLYMERIZATION AGENTS

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☐ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☒ national stage of PCT

NOTE: If one of the following three items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION or CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION:
INDOLE-CONTAINING AND COMBRETASTATIN-RELATED ANTI-MITOTIC AND
TUBULIN POLYMERIZATION AGENTS

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

- (a) ☒ is attached hereto
(b) ☐ was filed on _____ as Serial No. _____ or
☐ Express Mail No. _____, as Serial No. not yet known, and was amended on _____
(if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

- (c) ☒ was described and claimed in PCT International Application No. PCT/US00/25408
filed on September 15, 2000.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information:

- ☒ which is material to the patentability as defined in 37, Code of Federal Regulations, § 1.56.

(also check the following, if desired)

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

- ☐ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
(e) ☒ such applications have been filed as follows:

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority, check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 37 USC 119
USA	PCT/US00/25408	15 SEP 00	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN
12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS
U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete "Added Pages to Combined Declaration and Power of Attorney for Divisional, Continuation, or C-I-P Application" for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(List name and registration number.)*

Daniel D. Chapman	Registration No. 32,726
William B. Nash	Registration No. 33,743
Mark H. Miller	Registration No. 29,197
Thomas Sisson	Registration No. 29,348
Cline H. White	Registration No. 45,213
Richard R. Ruble	Registration No. 45,720
Daniel D. Hodgins	Registration No. 31,026

(check the following item, if applicable)

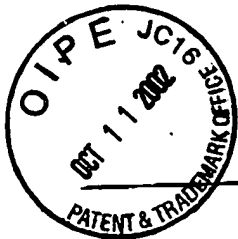
☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO:

Daniel S. Hodgins
JACKSON WALKER, LLP
112 E. Pecan, Suite 2100
San Antonio, Texas 78205

DIRECT TELEPHONE CALLS TO:

Name and Telephone Number)
Daniel S. Hodgins
(210) 978-7759



DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

FULL NAME OF SOLE/FIRST INVENTOR	Kevin G. Pinney
INVENTOR'S SIGNATURE	<i>Kevin G. Pinney</i>
DATE OF EXECUTION	9-17-02
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	100 Russell Lane 717 Topeka Hewitt, TX 76643 Woodway, TX 76712

FULL NAME OF SECOND INVENTOR	Feng Wang
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	600 American Avenue, Apt. C304 King of Prussia, PA 19406

FULL NAME OF SECOND INVENTOR	Maria Del Pilar Mejia
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	9999 Linda Lane, Apt. GE Des Plaines, IL 60016

**CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)
FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors. Number of pages added: ____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added: ____.

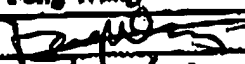


DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

FULL NAME OF SOLE/FIRST INVENTOR	Kevin G. Plancy
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	100 Russell Lane Hewitt, TX 76643

FULL NAME OF SECOND INVENTOR	Feng Wang
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	09/20/02
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	600 American Avenue, Apt. C304 King of Prussia, PA 19406

FULL NAME OF SECOND INVENTOR	Maria Del Pilar Mejia
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	9999 Linda Lane, Apt. GE Des Plaines, IL 60016

**CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)
FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors. Number of pages added: _____
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added: _____

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

FULL NAME OF SOLE/FIRST INVENTOR	Kevin G. Finney
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	100 Russell Lane Hewitt, TX 76643

FULL NAME OF SECOND INVENTOR	Feng Wang
INVENTOR'S SIGNATURE	
DATE OF EXECUTION	
COUNTRY OF CITIZENSHIP	U.S.
RESIDENTIAL ADDRESS	600 American Avenue, Apt. C304 King of Prussia, PA 19406

FULL NAME OF SECOND INVENTOR	Maria Del Pilar Mejia
INVENTOR'S SIGNATURE	<i>M. Del Pilar Mejia</i>
DATE OF EXECUTION	09-20-02
COUNTRY OF CITIZENSHIP	Colombia
RESIDENTIAL ADDRESS	9999 Linda Lane, Apt. GB-1106 Bull Street Des Plaines, IL 60016 Normal, IL 61761

**CHECK PROPER BOX(ES) IF ANY OF THE FOLLOWING ADDED PAGE(S)
FORM A PART OF THIS DECLARATION**

- [] Signature for subsequent joint inventors. Number of pages added: ____.
- [] Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added: ____.

- [] Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.45. Number of pages added: ____.
- [] Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 CFR 1.47).
- [X] Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application. Number of pages added: two (2).
- [] Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item:

[X] This declaration ends with this page.

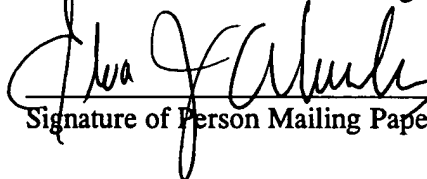
CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner of Patents and Trademarks, Washington, D.C. 20231", as follows:

<u>37 CFR 1.8(a)</u>	<u>37 CFR 1.10</u>
<p>[] With sufficient postage as First Class Mail.</p> <p>Date: _____, 20__</p>	<p>[] As "Express Mail Post Office to Addressee" Mailing Label No. <u>EL661644269 US.</u></p> <p>Date: <u>10-11-</u>, 20<u>02</u></p>

ELVA J. Abundi's

Printed Name of Person Mailing Paper or Fee



Signature of Person Mailing Paper or Fee

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120					
U.S. APPLICATIONS			Status (Check one)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1. 60/154,639	09/17/99		X		
2.					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
3.PCT/US00/25408	09/15/00			X	
4.					

3104710v1